

NEBRASKA ADMINISTRATIVE CODE

TITLE 225 - DEPARTMENT OF LABOR

CHAPTER 1 - APPROVAL OF TRAINING PROGRAMS

001. This regulation is adopted pursuant to *Neb. Rev. Stat.* §§48-607, 48-627, and 48-628.
002. Any claimant may request approval to receive benefits while attending school for training purposes. He or she shall make a written application on a form prescribed by the Commissioner. The claimant's application for approval of training shall be submitted to, and received at, one of the offices of the Nebraska Department of Labor, or an equivalent office in another state.
003. A. The Commissioner may approve training programs for claimants who are identified as eligible for training under Title I or Title II of the Workforce Investment Act of 1998 (P.L. 105-220) or under the welfare to work program established pursuant to 42 USC section 603(a) as amended by the Budget Reconciliation Act of 1997 (P.L. 105-33). The Workforce Investment Act of 1998 and 42 USC 603(a) as amended are available for viewing at the Nebraska Department of Labor, 550 South 16th Street, Lincoln, Nebraska 68508.
- B. No training program for affected workers administered by the Department of Labor under 20 CFR Part 617 shall be approved if the training program cannot be completed within one hundred four weeks of the date the training is commenced. 20 CFR Part 617 is available for viewing at the Nebraska Department of Labor, 550 South 16th Street, Lincoln, Nebraska 68508.
004. A. Other than those training programs identified under section 003, the Commissioner may only approve applications for training in vocational or technical schools or classes. The training program must be designed to prepare the participants for gainful employment in recognized or new occupations.
- B. The Commissioner will not approve any applications for training programs primarily intended to lead toward a baccalaureate or higher degree or that have as their purpose the preparation of participants for employment in occupations normally requiring a baccalaureate or higher degree from institutions of higher education.
- C. Except as otherwise provided under section 003 above, the Commissioner will not approve any application if the claimant's most recent separation, as adjudicated by the Department, is a "quit to attend school".

005. The Commissioner may, in addition to section 004, only approve training programs under the following conditions:
- A. Reasonable employment opportunities for which the claimant is qualified do not exist or have been substantially diminished making a change in occupation necessary for reemployment.
 - B. The claimant must have the required qualifications or aptitudes to successfully complete the training program. Basic education programs which are a prerequisite for skilled training or other short term, vocationally directed academic courses may be approved.
 - C. The training program must consist of a practical curriculum for development of vocational, rather than avocational, skills.
 - D. The written description of the course of instruction relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in any Labor Market area of this state in which the individual intends to seek work.
 - E. The training program has been planned and scheduled so as to lead to the earliest feasible completion and readiness for reemployment.
006. A claimant whose training program has been approved shall, as of the date of the Commissioner's approval, not be required to make an active search for work during actual participation in the training program.
007. The Commissioner may disqualify a claimant's approved training program if the claimant does not regularly attend the classes of the program or receives notice of unsatisfactory progress from the training institution.
008. A claimant enrolled in an approved training program shall promptly notify his or her regular claims office in writing if he or she discontinues regular attendance of the training program or receives notice of unsatisfactory progress from the training institution.
009. At the time a course of training is approved, the training institution shall be notified by mail of the claimant's status under this chapter. This notification shall direct the training institution to promptly notify the claimant's regular claims reporting office in writing if the claimant's attendance or progress becomes unsatisfactory.
010. An individual shall not be eligible for unemployment insurance benefits under this chapter for any week with respect to which he or she receives a subsistence allowance on account of participation in training. Subsistence allowances are direct or indirect payments to the claimant which are not made specifically to defray the costs associated with participation in training. Subsistence allowances specifically include any payments made or usable for routine living expense not directly associated with participation in training, such as room,

board, utilities, or general transportation costs. Dependent's allowances, one time emergency payments, and reimbursements for any of the direct costs of training, which might include the cost of tuition, books, supplies, tools, transportation costs to and from training, and the cost of child care during time spent in training, shall have no bearing on the claimant's entitlement to benefits under this chapter.